

Chapter 4

ANIMAL CONTROL*

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***Federal law reference**—"Service animal" defined for purposes of Americans with Disabilities Act, 28 CFR 36.104.

State law references—Municipal authority to enact ordinances for care and control of dogs, cats, and other animals, S.C. Code 1976, § 47-3-20; municipal powers not limited by state laws, S.C. Code 1976, § 47-3-70; required annual inoculation of pets against rabies, S.C. Code 1976, § 47-5-60; notice to health department of animal suspected of rabies, S.C. Code 1976, § 47-5-80; metal inoculation tag required, S.C. Code 1976, § 47-5-60; impoundment of strays, S.C. Code 1976, § 47-3-40; disposition of strays, S.C. Code 1976, § 47-3-60; duty to contact owners, S.C. Code 1976, § 47-3-55; state falconry permit regulations, S.C. Code Reg. 123-170.

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- Sec. 4-54. Vicious animals; possession unlawful; exception.
Sec. 4-55. Hearing.

ARTICLE I. IN GENERAL**Sec. 4-1. Authority and purpose.**

This chapter and the amendments thereto are enacted pursuant to S.C. Code 1976, § 5-7-30, which provides for the enactment of ordinances for the implementation and enforcement of the powers of the city council to promote the general health, safety and welfare of the citizens of the city and to protect their property rights. This chapter is further enacted pursuant to S.C. Code 1976, § 47-3-10 et seq., which empowers the governing body of each city to enact ordinances and promulgate regulations for the care and control of dogs, cats and other animals and to prescribe penalties for violations thereof.

(Code 1980, § 4-1; Ord. No. 2007-12, § I, 9-4-2007)

Sec. 4-2. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Animal means all living vertebrate creatures except homo sapiens.

Animal control officer means a person designated by the city as the enforcement officer of the provisions of this chapter, and so designated by the city administrator.

Animal shelter means any premises so designated by the city council for the purpose of impounding and caring for pets found in violation of this chapter.

At large means an animal off the premises of the owner or keeper and not under restraint by the owner or keeper.

Cat means a commonly domesticated member of the feline family, excluding lions, tigers, jaguars, panthers, bobcats, wild cats and the like.

Dangerous or vicious animal means any animal constituting a physical threat to human beings or other animals, or evidencing an abnormal inclination to attack persons or animals without provocation, or having a tendency to do any act repeatedly which might endanger the safety of persons or property.

Dog means a commonly domesticated member of the canine family, excluding wolves, foxes, coyotes and the like.

Euthanasia; euthanize; euthanized means the methods of destruction provided by the South Carolina Code of 1976 for impounded animals.

Exposure to rabies means any person or animal which has been bitten by or exposed to any animal known to have been infected with rabies. This determination shall be made by the state department of health and environmental control as provided for in state law.

Kennel means any person or organization engaging in the business of breeding, buying, selling or boarding of animals.

Neutered pet means any dog or cat which has been operated on to prevent conception.

Owner or keeper means any person who has a right of property in an animal; keeps or harbors an animal, or has it in his care or acts as its custodian; or permits such animal to remain on or about premises occupied by the owner or keeper.

Pet means any dog, cat or member of the canine and feline family.

Running at large means off the premises of the owner or keeper and not under the physical control of the owner or keeper by means of a leash or other similar restraining device.

Stray means an animal at large.

Under restraint. Controlled by means of a chain, leash or other restraining device lead by a person physically capable of restraining the animal, and obedient to that person's commands, or securely enclosed within the real property limits of the animal owner's premises, or securely enclosed within the real property limits of property of another with that property owner's permission, or securely enclosed within a vehicle being driven or parked.

Vicious animal means any animal evidencing an abnormal inclination to attack persons or animals without provocation.

Wild, exotic or venomous animal means any animal that, because of its size, disposition or other characteristic would constitute a danger to persons or property.
(Code 1980, § 4-2; Ord. No. 2007-12, § II, 9-4-2007)

Sec. 4-3. Violations as misdemeanors; penalties.

(a) The owner or keeper of a pet allowed to run at large is guilty of a misdemeanor and, upon conviction, shall be subject to a fine not exceeding \$200.00 plus court costs or imprisonment for a term not exceeding 30 days, or both such fine and imprisonment.

(b) Any person who violates any other provision of this chapter shall be guilty of a misdemeanor and shall be punished by a fine, or imprisonment, or both not to exceed the maximum provided by state law for municipal courts.
(Code 1980, § 4-23; Ord. No. 2007-12, § XI, 9-4-2007)

Sec. 4-4. Animal control officer—Powers and duties generally; assistance by other officers.

The animal control officer shall have the authority to enforce this chapter, to cooperate with the health department in quarantining animals and to carry out the duties and assume the responsibilities of this chapter. For the purpose of enforcing this chapter, the police chief, sheriff, deputy sheriffs, police officers, magistrates, constables and the police officers of the City of Gaffney, or any incorporated municipality or county which contracts with the city council, are authorized to assist the animal control officer. The animal control officer shall have the authority of impoundment of any stray animal and in any of the other circumstances of impoundment described in this chapter.
(Code 1980, § 4-3; Ord. No. 1989-6, 8-8-1989)

Sec. 4-5. Same—Maintenance of records; operating procedures.

(a) The animal control officer shall maintain such records as may be prescribed by the city administrator and as necessary to account for the activities of that office.

(b) The animal control officer shall patrol areas of the city for the purpose of enforcing this chapter. The animal control officer may require a signed complaint whenever he deems it advisable.

(Code 1980, § 4-4; Ord. No. 1989-6, 8-8-1989)

Sec. 4-6. Animal shelter—Operation.

The animal shelter shall be operated to impound, care for, quarantine or euthanize pets held pursuant to this chapter. The city may enter into contracts, agreements, and leases with private organizations and local government entities for the operation of the animal shelter.

(Code 1980, § 4-5; Ord. No. 1989-6, 8-8-1989)

Sec. 4-7. Impoundment; notice to owner; release.

(a) Any stray animal may be impounded by the animal control officer. If such animal is not a dog or cat, the animal control officer, with the approval of the city administrator, shall make such arrangements as may be necessary for the impoundment, care, quarantine or euthanization of such animal. Upon such impoundment, the animal control officer and/or animal shelter personnel shall make an effort to ascertain the owner of the animal.

(b) The owner of an impounded animal may obtain its release upon compliance with the requirements prescribed by the city administrator, including the payment of fees.

(Code 1980, § 4-7; Ord. No. 1989-6, 8-8-1989; Ord. No. 2007-12, § IV, 9-4-2007)

Sec. 4-8. Period of impoundment and disposition of unclaimed pets.

(a) If ownership of an impounded pet is evidenced by an identification tag or rabies tag, the animal control officer shall make a reasonable effort to notify the owner of its impoundment. When there is such evidence of ownership, the impounded pet shall be detained for a period of five days including the date of its impoundment.

(b) If the pet is not redeemed by its owner in that period, it may be offered for adoption or disposed of humanely. If a pet has no owner identification tag or rabies tag, it shall be deemed abandoned property, as to which the city may assert a paramount interest for the health, safety and protection of the public, and such animal may be offered for adoption or disposed of humanely without any period of detention, at the discretion of the animal control officer.

(Code 1980, § 4-8; Ord. No. 1989-6, 8-8-1989; Ord. No. 2007-12, § XII, 9-4-2007)

Sec. 4-9. Wounded or diseased animals.

An animal that is wounded or diseased or in great pain, in the judgment of the animal control officer or animal shelter personnel, may be destroyed immediately.

(Code 1980, § 4-9; Ord. No. 1989-6, 8-8-1989)

Sec. 4-10. Rabies control.

No persons shall own or keep any pet within the city unless such animal has been inoculated against rabies and tagged as provided for in this section.

- (1) Every owner of a pet shall have it inoculated against rabies each year.
- (2) A state board of health certificate of animal rabies vaccination will be issued by a licensed graduate veterinarian for each pet, stating the name and address of the owner, the name, breed, color and markings, and such other information as required by state law.
- (3) Coincident with the issuance of the certificate, the veterinarian shall also furnish a serially numbered metal license tag bearing the same number and year as the certificate. The metal license tag shall bear the name of the veterinarian and shall at all times be attached to a collar or harness worn by the pet for which the certificate and tag has been issued.
- (4) The owner shall have a valid certificate of rabies immunizations available for inspection by the animal control officer upon request.
- (5) In the event that a rabies tag is lost, the owner shall obtain a duplicate tag without delay and not allow the animal to run at large without a rabies tag.

(Code 1980, § 4-10; Ord. No. 1989-6, 8-8-1989)

Sec. 4-11. Owner identification tag.

Every owner is encouraged to ensure that an identification tag or plate is securely fastened to the animal's collar or harness. The tag or plate should clearly indicate the name and address of the owner and should be worn by the animal at all times.

(Code 1980, § 4-11; Ord. No. 1989-6, 8-8-1989)

Sec. 4-12. Abandoned animals.

An animal running at large which has no rabies tag or identification tag shall be deemed abandoned property, as to which the city may assert a paramount interest as to the health, safety and protection of the public. The city may take title to such animals by and through the animal control officer and may impound, euthanize or authorize euthanization of such animals as potential nuisances.

(Code 1980, § 4-12(a); Ord. No. 1989-6, 8-8-1989)

Sec. 4-13. Procedures in case of violation; interference with animal control officers.

(a) The animal control officer may obtain a search warrant to enter premises upon which there is probable cause to believe that a violation of this chapter exists. The officer may then demand to examine such animal and take possession of it when, in the officer's opinion, it requires removal from the premises and a violation of this chapter has occurred.

(b) No person shall interfere with, hinder or molest the animal control officers in the execution of their duties or seek to release any pet in the custody of the animal control officers, except as provided in this chapter.

(c) When a pet is found in violation of any one point of this chapter, it need not be impounded, but the animal control officers, at their discretion, may issue to its owner a notice of violation.

(Code 1980, § 4-13; Ord. No. 1989-6, 8-8-1989)

Sec. 4-14. Keeping vicious animals; abandonment; removal of rabies tag.

(a) It shall be unlawful for the owner of an animal to abandon it or set it at large to roam free.

(b) It shall be unlawful for any person to remove the rabies tag from an animal as provided for herein. The assertion that someone other than the owner removed such tag shall not be a defense to any action or procedures under this chapter, the owner being deemed hereunder absolutely responsible for attachment of the tag.

(Code 1980, § 4-14(b), (c); Ord. No. 1989-6, 8-8-1989)

Sec. 4-15. Investigation of and actions concerning cruelty and abandonment.

The animal control officer shall investigate all complaints of cruelty to or abandonment of animals and shall take lawful action in reference to such cruelty or abandonment pursuant to the laws of the state.

(Code 1980, § 4-15; Ord. No. 1989-6, 8-8-1989)

Sec. 4-16. Animals in heat.

The owner of a female animal in heat shall keep it in a building or enclosure or in a veterinary hospital or kennel so as not to create a nuisance by attracting other animals.

(Code 1980, § 4-16; Ord. No. 1989-6, 8-8-1989)

Sec. 4-17. Impounded animals—Redemption.

The owner shall be entitled to resume possession of an impounded animal, except as herein provided, upon compliance with the rabies vaccination requirement, proper identification and the payment of redemption fees, and other expenses of confinement. In the case of a vicious animal which the owner has failed on several occasions to control properly, and which has been impounded, redemption may be made only with the consent of the animal control officer. The owner of an impounded animal must apply for the redemption of the animal.

(Code 1980, § 4-17; Ord. No. 1989-6, 8-8-1989)

Sec. 4-18. Dead animals.

The owner of any animal which dies shall immediately provide for its burial or cremation if the owner knows of its death and the location of its remains. If the owner fails to do so within three hours after notice, the animal control officer shall arrange for the disposal of such dead animal, and the owner shall be required to pay the costs thereof.
(Code 1980, § 4-19; Ord. No. 1989-6, 8-8-1989)

Sec. 4-19. Animals creating nuisances.

The owner of any animal which habitually barks, whines or howls, or which habitually chases or runs after persons or vehicles, or which destroys or damages property of another person or legal entity, or which habitually causes serious annoyance to a neighboring resident and interferes with the reasonable use and enjoyment of property, shall be deemed a nuisance and shall be deemed to be committing an act in violation of this chapter and punished as provided for herein.
(Code 1980, § 4-20; Ord. No. 1989-6, 8-8-1989)

Sec. 4-20. Leash regulation.

(a) It shall be unlawful for the owner or keeper of any dog to permit such animal to run at large or to transport an unrestrained animal in an open truck bed. A dog shall not be considered running at large if:

- (1) It is confined to the property of the owner or keeper; or
- (2) On a leash not longer than ten feet, restrained by a person as defined in section 4-2; or
- (3) In a cage or enclosed interior of a vehicle.

(b) Dogs which are participating in hunting, obedience trials, conformation shows, tracking tests, herding trials, lure courses or agility trials shall not be considered at large.
(Ord. No. 2007-12, § VII, 9-4-2007)

Sec. 4-21. Breeding, raising, boarding of animals.

It shall be unlawful for any person to operate within the city a business for breeding or raising animals for sale without a business licensed therefor, or keep for profit any kennel for the boarding of animals unless properly zoned and licensed.
(Ord. No. 2007-12, § VIII, 9-4-2007)

Sec. 4-22. Dogfighting and dog baiting.

It shall be unlawful for:

- (1) A person to instigate, promote, conduct, be employed at, provide a dog for, allow property under his ownership or control to be used for, gamble on, or profit from an exhibition featuring the fighting or baiting of a dog.

- (2) A person to own, possess, or train a dog with the intent that the dog be used in an exhibition featuring the fighting or baiting of that dog.
- (3) A person to participate as a spectator at an exhibition featuring the fighting or baiting of a dog.

(Ord. No. 2007-12, § IX, 9-4-2007)

Sec. 4-23. Canine unit exceptions.

Trained police dogs utilized by official law enforcement agencies shall be exempt from all provisions of this chapter as well as any applicable provisions of any other chapter of this Code.
(Ord. No. 2007-12, § X, 9-4-2007)

Sec. 4-24. Animal waste.

The owner or keeper of every animal shall:

- (1) Be responsible for the immediate removal of any excreta deposited by his animal on any property other than his own;
- (2) Prevent the accumulation of animal waste on any property;
- (3) Dispose of a pet's waste by either flushing or bagging and depositing it in the garbage or by burial.

(Ord. No. 2007-12, § V, 9-4-2007)

Sec. 4-25. Keeping of livestock.

It shall be unlawful for any person in the city to keep any horse, cow, hog, goat, sheep, chicken, ducks, geese or other livestock without first obtaining a written permit from the city council. The city council shall not authorize any such permit unless it is shown, upon investigation, that the keeping of such an animal will not cause any discomfort or constitute a nuisance to the neighborhood in which such animal is to be kept.
(Code 1980, § 4-25; Res. of 4-6-1998)

Secs. 4-26—4-50. Reserved.

ARTICLE II. VICIOUS ANIMALS

Sec. 4-51. Seizure and impoundment; hearing.

(a) Any vicious, dangerous, wild, exotic or venomous animal in the city may be seized and impounded by any code enforcement officer without notice to the owner. If the officer determines that the animal cannot be seized without exposing the officer or other person to danger of personal injury from the animal, and the animal presents a present danger to any person, property, or other animal, it shall be lawful for the officer to destroy the animal.

(b) After any vicious, dangerous, wild, exotic, or venomous animal has been impounded, a hearing shall be conducted by a hearing officer designated by the city administrator. Such hearing shall be held as soon as practical after impoundment. Reasonable efforts shall be made to give the owner of such animal notice of the hearing.

(Code 1980, § 4-7; Ord. No. 1989-6, 8-8-1989; Ord. No. 2007-12, § IV, 9-4-2007)

Sec. 4-52. Summary destruction.

A vicious animal may be summarily destroyed by the authorized officers when the safety of the officers or other persons is immediately endangered and summary destruction is necessary to prevent injury.

(Code 1980, § 4-12(b); Ord. No. 1989-6, 8-8-1989)

Sec. 4-53. Possession without restraint prohibited.

It shall be unlawful for any owner to keep a vicious animal unless under restraint by fence, chain or other means, so that such animal cannot reach persons not on the land of the owner.

(Code 1980, § 4-14(a); Ord. No. 1989-6, 8-8-1989)

Sec. 4-54. Vicious animals; possession unlawful; exception.

It shall be unlawful for any person to own, possess, keep, harbor, or have control or custody of any vicious, dangerous, wild, exotic, or venomous animal in the city, or to permit or allow such animal to run at large in the city. The provisions of this section shall not apply to any person who is licensed to possess and breed an animal under the classifications specified and regulated by the United States Department of Agriculture under the Animal Welfare Act as codified in Title 7 of the United States Code.

(Ord. No. 2007-12, § III, 9-4-2007)

Sec. 4-55. Hearing.

(a) Any vicious or dangerous animal impounded shall be held until a hearing is conducted by the animal control hearing officer to determine the disposition of such animal. The animal control officer shall make reasonable efforts to give the owner of the animal five days' written notice of the date, time, place, and purpose of the hearing. If the owner does not appear, the hearing officer may proceed with the hearing.

(b) At such hearings the formal rules of evidence may not apply. The hearing officer may be guided by the basic notions of fairness in the conduct of such hearing and allow the parties to present evidence, witnesses and have the right of cross examination.

(c) The hearing officer shall consider as applicable, the following:

- (1) Any evidence presented at any trial involving the animal;
- (2) The conduct of the animal during the incident charged;
- (3) Any evidence of dangerous or violent behavior by the animal or threats thereof;

- (4) Any prior violations by the owner of the animal of this chapter or the laws of the city, or laws of any state or political subdivision thereof;
- (5) Any prior violations by any other owner of the animal, involving the same animal, of any violation of this chapter or the laws of the city, or any laws of the state or political subdivision thereof;
- (6) Any conditions existing on the property where the animal has been or will be kept which would affect the likelihood of any danger to any person, animal, or property;
- (7) Any evidence of any ameliorative action taken by the owner of the animal which would affect the likelihood of any danger to any person, animal or property; and
- (8) Any other evidence relevant to the issues as determined by the hearing officer.

(d) If, at the hearing, the animal control officer establishes by a preponderance of the evidence that there is a reasonable likelihood of future injury to persons, property or animals, the hearing officer may order such disposition of the animal as the hearing officer may deem appropriate, including the euthanization of the animal.

(e) If the hearing officer determines that it is not appropriate to order the animal impounded the hearing officer may order the animal returned to the owner and to be kept under such circumstances as will ensure the safety of persons, property or other animals.

(f) Nothing in this chapter shall be construed to prevent the immediate destruction of any vicious or dangerous animal when deemed necessary in the interest of public safety by the code enforcement officer or other law enforcement person, as provided by law.
(Ord. No. 2007-12, § VI, 9-4-2007)



Chapter 5

RESERVED

